

RPS/NOAA Salmon Habitat Restoration NOS Submission (March 29, 2001)

Apply NOAA's CERCLA Authorities to Improve Habitat for Threatened and Endangered Species

Desired Outcomes: A partnership between NMFS and NOS that combines NOAA's authorities under the Endangered Species Act (ESA) and Superfund (CERCLA) to further the recovery of threatened and endangered species. Initial efforts will focus on West Coast salmon, significantly bolstering NOAA's ability to:

- Address ESA recovery objectives for salmon listed under the ESA; and
- Cleanup hazardous waste sites that negatively affected salmon and restore the interim losses of injured salmonids, problems not addressed in other recovery processes.

Brief Description: Section 7 (a)(1) of the ESA encourages federal agencies to use all of their authorities to further the purposes of the Act. The Coastal Protection and Restoration Program (CPRP) and NOAA's Damage Assessment and Restoration Program (DARP) have a proven capability for protecting and restoring NOAA trust resources threatened and injured by hazardous material releases. This initiative will focus these authorities to complement NMFS activities under the ESA, resulting in greater benefits to threatened and endangered species. Initial efforts will focus on West Coast salmon, where application of existing CERCLA authorities and capabilities will support NMFS salmon recovery efforts by:

- Realizing more protective cleanups from EPA and state remedial actions in salmon habitat;
- Assessing natural resource damages, and use recovered moneys to restore injured salmon and salmon habitat; and
- Addressing ESA consultation issues efficiently by bringing NMFS experts into the early stages of risk assessment, cleanup design, and restoration planning.

What needs to be done by NOAA?

- Develop a new capability focused exclusively on applying CERCLA authorities to benefit threatened and endangered species, beginning with West Coast salmon populations.
- Integrate resultant cleanup and restoration actions with other programs designed to protect and recover salmon.

What are NOAA's partners in this effort and what are we and they currently doing, and will they do?

Successful implementation of NOAA's CERCLA authorities for achieving protective cleanups of hazardous waste sites requires partnerships with EPA and state response agencies. Damage assessment and restoration activities requires partnerships with those responsible for the hazardous materials, as well as with other federal, state and tribal natural resources Trustees.

What will it cost? What are we currently spending?

NOS is requesting \$1.5 M in FY 2003 to develop this new capability. The requested funding would support staff in NOS, NMFS and GC to ensure that hazardous waste site cleanups are protective of salmon and to pursue restoration of salmon habitat injured by hazardous material releases.

In FY 02, ORR/ DAC initiated efforts to collect and compile data on hazardous material sites, West Coast salmon habitat, and activities in place for addressing contamination. Through these initial investigative efforts, we have concluded that there are significant opportunities for using Trustee authorities under CERCLA to further the restoration of salmon in the Pacific Northwest and Northern California. ORR/ DAC also committed about \$50,000 to identify potential sites within these regions where the application of NOAA's CERCLA authorities will enhance ongoing salmon recovery efforts.

How will we know if we succeed?:

The proposed level of effort will allow NOAA to achieve more protective cleanups at 3-5 hazardous waste sites and recover funding for restoration and recovery at 1-2 hazardous waste sites. The protective measures included in cleanup activities and the funding generated for salmon restoration will be the metrics by which we can measure our success.

Performance Milestones:

- 1. Improve habitat for protected species, especially salmon.**
- 2. Increase protected biodiversity habitat.**